<u>REMARKS</u>

In the Office Action mailed June 16, 2009, the Office noted that claims 16-24 were pending and rejected claims 16-24. No claims have been amended, no claims have been canceled, no claims have been added, and, thus, in view of the foregoing, claims 16-24 remain pending for reconsideration which is requested. The Office's rejections are traversed below.

<u>REJECTIONS under 35 U.S.C. § 103</u>

Claims 16-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Willenegger, U.S. Patent Publication No. 2003/0207696 in view of Yi, U.S. Patent Publication No. 2003/0157927. The Applicant respectfully disagrees and traverses the rejection with an argument.

Willenegger discusses a method for processing data for transmission to a plurality of terminals.

Yi discusses performing SRNS relocation in a communications system transmits radio resource information including a ciphering parameter from a source RNC to a target RNC.

On page 2 of the Office Action, the Office asserts that Willenegger ¶¶ 0028 and 0029 disclose "wherein the **base station has a ciphering function of preventing control signals and user information directed** to the mobile station from being intercepted illegally in a radio section of a RLC-TM (Radio Link Control –

Transparent Mode) by using a ciphering counter," (emphasis added)
as in claim 16.

However, the Applicant reminds the Office in the prior
Office Action it was acknowledged that Willenegger does not
disclose such a feature. Further, Willenegger ¶¶ 0028 and 0029
do not disclose that the control signals are ciphered by a
ciphering function, but instead in ¶0028 states:

> modulator 216 includes (1) "spreading" the coded data
> with orthogonal variable spreading factor (OVSF) codes
> to channelize the user-specific data, MBMS data, and
> messages onto physical channels and (2) "scrambling"
> the channelized data with scrambling codes. The
> modulated data is then provided to a transmitter (TMTR)
> 218 and conditioned (e.g., converted to one or more
> analog signals, amplified, filtered, and quadrature
> modulated) to generate a downlink modulated signal
> suitable for transmission via an antenna 220 over a
> wireless communication channel to the terminals.

Thus, nowhere in the cited reference does it state that
the control signals are ciphered using a ciphering counter.
Instead, the user-specific data is channelized and scrambled with
scrambling codes. The Office does not assert and the Applicant
has not found, that Yi discloses such a function. Thus, while Yi
may disclose a counter as in the claims, Willenegger treats the
control signals differently. Therefore, one of ordinary skill in
the art would not have been motivated to combine the references.

On page 3 of the Office Action, the Office acknowledges
that Willenegger does not explicitly disclose "the ciphering
function constructs the ciphering counter by combining an HFN
(Hyper Frame Number) and an SFN (Cell System Frame Number

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counter)," as in claim 16. But, asserts that Yi ¶¶ 0076 and 0101 do.

However, Yi ¶ 0101 merely teaches that CFN of a ciphering counter HFN/CFN for RLC-TM is calculated from SFN. Yi does not suggest a ciphering counter for RLC-TM, which is constructed by using SFN itself.

Further, the Office states "… thereby, providing method the more efficiently resolves discrepancies, as discussed by Yi (see paragraph [0112])." However, it is respectfully submitted that the claimed invention does not aim to resolve deciphering discrepancies like that of Yi. Therefore, such a conclusion would not have made it obvious for one of ordinary skill in the art to combine the references.

Further, as discussed in ¶ 0023 of the present application, a ciphering counter *HFN/CFN* is not able to be utilized for *RLC*-TM on HSPDA. The claimed feature enables to provide ciphering with RLC-TM on HSPDA by constructing a ciphering counter *HFN/SFN* instead of *IIFN/CFN.* This feature would not be obvious from the combination of Willenegger and Yi.

For at least the reasons discussed above, Willenegger and Yi, taken separately or in combination, fail to render obvious the features of claims 16, 17 and 18 and the claims dependent therefrom.

Withdrawal of the rejection is respectfully requested.

<u>SUMMARY</u>

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 16-24 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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